IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FIFTEENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B. SUDERSHAN REDDY

and
THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 8440 of 2005

Between:

K.Bhupani, S/o.K.Chandra mouli, Medak District.

..... PETITIONER

AND

1. The Government of Andhra Pradesh, rep. by its Secretary,

Transport Dept., Secretariat, Hyderabad.
2 The Motor Vehicle Inspector, Siddipet, Medak district.
3 The Assistant Motor Vehicles Inspector, Siddipet, Medak District.
4 The Registering Authority/Joint Commissioner, Road Transport

Authority (RTA) Siddipet, Medak Dist.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ of Mandamus of any other appropriate writ or order or direction declaring the action of the respondents in seizing the tractor-Cum-trailer bearing No.AP23 T 8728 and 8729 of the petitioner, and not exempting the same from the purview of the provisions of Andhra Pradesh Motor Vehicles Taxation Act 1963 as arbitrary and illegal and direct the respondents to exempt the tractor-cum-trailer of the petitioner bearing No.AP 23 T 8728 from the purview of the Andhra Pradesh Motor Vehicles Taxation Act 1963 and release the same to the petitioner.

For the Petitioner: Mr. Prabhakar Peri

For the Respondents: GP FOR TRANSPORT

The Court made the following :

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ORDER: (per BRSR,J)

Heard the learned counsel for the petitioner and the learned Government Pleader for Transport. At their request, the writ petition itself is taken up for final disposal at the stage of admission. Issue Rule Nisi.

The petitioner's vehicle, Tractor and Trailer, bearing Nos.AP-23 T 8728 and 8729, while proceeding towards Siddipet from Medipally with a load of granite, was intercepted by the 2nd respondent and he found the following irregularities:

"1) RC Books are not produced.

2. Permit not produced.
3. No proof of tax.
4. No proof of F.C.
5. Without I.C
6. Without Driving Licence."

The vehicle was seized in purported exercise of the power under Section 8 of the A.P. Motor Vehicles Taxation Act and under Section 207 of the Motor Vehicles Act and the same was kept at II Town Police Station, Siddipet, for safe custody.

The petitioner, admittedly, did not file any application seeking release of the vehicle as is required under the law, and therefore, it is not possible to grant any relief at this stage.

However, the respondents are directed to dispose of the application, to be submitted

by the petitioner, within three days from the date of submitting such application, and pass appropriate orders in accordance with law.

The writ petition is accordingly disposed of.

(B.Sudershan Reddy, J)

Date:15-04-2005

(C.V.Ramulu, J)

Note:Furnish Copy by today.

(b/o)

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To

1. The Secretary, Transport Dept., Government of Andhra Pradesh, Secretariat, Hyderabad.
2 The Motor Vehicle Inspector, Siddipet, Medak district.
3 The Assistant Motor Vehicles Inspector, Siddipet, Medak District.
4 The Registering Authority/Joint Commissioner, Road Transport Authority (RTA) Siddipet, Medak Dist.

5. Two CCs to the Government Pleader for Transport, High Court of Andhra Pradesh, Hyderabad (OUT).

6. Two CD copies.